

FILED
DISTRICT COURT OF GUAM

SEP 14 2006 *WBO*

**MARY L.M. MORAN
CLERK OF COURT**

1 **THOMAS M. TARPLEY, JR.**
2 **TARPLEY & MORONI, LLP**
3 Bank of Hawaii Building
4 134 Soledad Avenue, Suite 402
5 Hagatna, Guam 96910
6 Telephone: (671) 472-1539
7 Facsimile: (671) 472-4526
8 Electronic mail: tarpley@guam.net

9 **FORREST BOOTH (Cal. Bar No. 74166) (Admitted *pro hac vice*)**
10 **RYAN C. DONLON (Cal. Bar No. 229292) (Admitted *pro hac vice*)**
11 **SEVERSON & WERSON**
12 A Professional Corporation
13 One Embarcadero Center, Suite 2600
14 San Francisco, CA 94111
15 Telephone: (415) 398-3344
16 Facsimile: (415) 956-0439
17 Electronic mail: fb@severson.com
18 Electronic mail: rcd@severson.com

19 Attorneys for Defendant, Cross-Claimant and
20 Counterclaimant S.J. GARGRAVE SYNDICATE 2724
21 8ZP629W

IN THE DISTRICT COURT OF GUAM

TERRITORY OF GUAM

15 UNITED STATES OF AMERICA,

Civil Case No.: 06-00011

16 Plaintiff,

**NOTICE OF NON-AVAILABILITY OF
COUNSEL FOR S.J. GARGRAVE
SYNDICATE 2724**

17 vs.

18 INCHAPE SHIPPING SERVICES GUAM,
19 LLC,

Complaint Date: April 19, 2006
Trial Date: None Set

20 Plaintiff in Intervention,

21 vs.
22 MARWAN SHIPPING & TRADING CO.,
23 FIVE SEAS SHIPPING CO., LLC, and S.J.
24 GARGRAVE SYNDICATE 2724, *in
personam*,

25 Defendants.

26 AND CROSS-CLAIMS, COUNTERCLAIM,
27 AND CLAIM IN INTERVENTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

PLEASE TAKE NOTICE that Forrest Booth of Severson & Werson, attorney for Defendant, Cross-Claimant and Counterclaimant S.J. GARGRAVE SYNDICATE 2724 (hereinafter “Gargrave”), will be out of state and unavailable for any proceedings of any nature, including but not limited to, receiving notices of any kind, responding to *ex parte* applications, process service, appearing in Court and attending depositions, on the following dates: Monday, September 18, 2006 through Friday, October 6, 2006, inclusive.

Counsel's consideration in not scheduling matters during these periods will be appreciated. Of exception is the Scheduling Conference currently set during this period but for which Mr. Booth has arranged to attend telephonically. Purposely scheduling a conflicting proceeding or another matter requiring opposing counsel's participation or attention, after being advised of counsel's unavailability, without good cause, is conduct subject to sanctions. Tenderloin Housing Clinic, Inc. v. Sparks, 8 Cal.App.4th 299 (1992).

Dated this 14th of September, 2006.

TARPLEY & MORONI, LLP

By

THOMAS M. TARPLEY, JR.,
Attorney for Defendant, Cross-Claimant
and Counterclaimant
S.J. GARGRAVE SYNDICATE 2724

CERTIFICATE OF SERVICE

I, Thomas M. Tarpley, Jr., hereby certify pursuant to Rule 5(d) Fed. R. Civ. P. that on September 14, 2006, I caused to be served a true and correct copy of the **NOTICE OF NON-AVAILABILITY OF COUNSEL FOR S.J. GARGRAVE SYNDICATE 2724**, to the following:

R. Michael Underhill, Esq.
Attorney in Charge
c/o Mike W. Schwab, Esq.
OFFICE OF THE UNITED STATES ATTORNEY
108 Hernan Cortez Avenue, Suite 500
Hagatna, Guam 96910
Attorneys for Plaintiff and Counterdefendant United States of America

John E.D. Powell, Esq.
c/o Lawrence J. Teker, Esq.
TEKER TORRES & TEKER, P.C.
Suite 2-A, 130 Aspinall Avenue
Hagatna 96910-5018, Guam
*Attorneys for Defendants and Cross-Defendants Marwan Shipping & Trading Co.
and Five Seas Shipping Co., LLC*

David P. Ledger, Esq.
Elyze J. McDonald, Esq.
CARLSMITH BALL LLP
Bank of Hawaii Building
Suite 401
134 West Soledad Avenue
Hagatna, Guam 96910
Attorneys for Intervenor Inchape Shipping Services Guam LLC

Dated this 14th day of September, 2006.

TARPLEY & MORONI, LLP

By:

THOMAS M. TARPLEY, JR.,
Attorney for Defendant, Cross-Claimant
and Counterclaimant
S.J. GARGRAVE SYNDICATE 2724